

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0470

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JAMES LEON ALLEN,

Defendant and Appellant.

FILED

MAY 18 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW, Sarah Chase Rosario y Naber, counsel of record for Defendant and Appellant, and respectfully requests an order from this Court allowing her to withdraw as counsel of record in the above entitled matter.

Counsel has determined that an appeal would be frivolous or wholly without merit after reviewing the entire record and researching applicable statutes, case law, and rules. The Defendant/Appellant has been advised of counsel's decision and of his right to file a response to this motion. Counsel will send the file and transcripts in the matter to the Defendant/Appellant at his written request so that he can file an appropriate response to this motion.

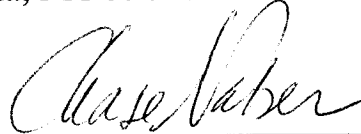
A brief in support of this motion has been filed simultaneously with this motion.

Opposing counsel has been contacted regarding this motion and does not object.

Respectfully submitted this 10th day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By:



SARAH CHASE ROSARIO Y NABER
Assistant Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion to Withdraw as Counsel of Record to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

JOHN T. FLYNN
Broadwater County Attorney
P.O. Box 96
Townsend, MT 59644-0096

JAMES ALLEN
P.O. Box 1833
East Helena, MT 59635

DATED: 5/18/2010